

MINUTES

**Baltimore County Planning Board Meeting,
November 21, 2013**

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Minutes
November 21, 2013

Call to order, introduction of Board members, remarks on procedures by Chairman, and presentation by staff

Chairman N. Scott Phillips called the meeting of the Baltimore County Planning Board to order at 4:05 p.m. The following members were:

Present

Mr. N. Scott Phillips
Mr. Paul Miller
Mr. Scott Jenkins
Mr. Eric Lamb
Ms. Nancy Hafford
Mr. Randy Thompson
Mr. Jonathan Herbst
Mr. Howard Perlow (*arrived at 4:07 p.m.*)
Mr. Wayne C. McGinnis
Mr. John Polek
Mr. Jeffrey Gordon
Mr. Rainier C. Harvey, Sr. (*arrived at 4:23 p.m.*)
Mr. Gerard J. Wit (*arrived at 4:21 p.m.*)
Mr. Scott Holupka

Absent

Mr. Mark Schlossberg

County staff present included Andrea Van Arsdale, Jeff Mayhew, Curtis Murray, Lynn Lanham, Kathy Schlabach, Janice Graves, Jessie Bialek, and Dave Green from the Department of Planning.

Mr. Phillips, on behalf of the Board and the citizens of Baltimore County commended Mr. Polek for his volunteer service to Baltimore County and, extended many thanks to him for his participation on the Planning Board. Mr. Polek made a few remarks and included an explanation for his resignation.

Mr. Perlow is now present at the meeting.

Review of today's agenda

There were no substantive changes to the Tentative Agenda as published, which is filed as Appendix A. However, Mr. Phillips informed the Board the agenda items would be addressed out of the published order.

Minutes of the November 7, 2013 meeting

Mr. Thompson moved to accept the Minutes of the November 7, 2013 meeting as circulated. Mr. Polek seconded the motion, which unanimously passed at 4:09 p.m. Absent were Messrs. Schlossberg, Harvey, and Wit.

A copy of the November 7, 2013 approved Minutes are filed as Appendix B.

Other business

Report from the November 14, 2013 Landmarks Preservation Commission Meeting

Mr. Phillips referred the Board members to the written report of major actions from the November 14, 2013 Landmarks Preservation Commission meeting contained in the notebooks.

A copy of the November 14, 2013 Landmarks Preservation Commission report is filed as APPENDIX C.

Legislation of interest to the Planning Board

Mr. Murray advised the Board that there were two County Council legislative actions since the last Planning Board meeting that may be of interest to the Board. Mr. Murray provided the Board with a summary of each legislative item listed below:

- Res. 100-13 – Planning Board – Hookah Lounges
- Res. 110-13 – Designation of Sustainable Community – Reisterstown Main Street

Mr. Miller moved that the Baltimore County Planning Board refer County Council Resolution 100-13 to the Administrative Officer of Baltimore County for consideration and authorization that the Department of Planning and/or any other Department or Bureau deemed appropriate by the Administrative Officer, move forward with a study of hookah lounges and subsequently make recommendations for regulatory options for such establishments. Ms. Hafford seconded the motion, which unanimously passed at 4:13 p.m. Absent were Messrs. Schlossberg, Harvey, and Wit.

Mr. Phillips asked the Board members if they had any questions for Mr. Murray. Being none, Mr. Murray referred the Board members to the copies of the legislation contained in the notebooks.

A copy of the legislation of interest to the Planning Board is filed as APPENDIX D.

Staff advised the chairman that additional Board members were in route to the meeting.

Mr. Phillips advised the Board that the order and progression of the agenda is the prerogative of the chairman/chairwoman. Mr. Phillips recessed the Board meeting at 4:15 p.m. and advised that meeting would reconvene after a short interlude. Mr. Phillips reconvened the Board meeting at 4:23 p.m.

Item for Discussion and Vote

Messrs. Harvey, Sr. and Wit are now present at the meeting.

Chestnut Ridge- Out of Cycle Zoning Reclassification – Documented Site Plan

Mr. Phillips advised the Board that the petitioner amended the Petition for Reclassification at the October 30, 2013 Board of Appeals meeting, by submitting a documented site plan for the Chestnut Ridge Golf Course.

Section 32-2-513 of the Baltimore County Code required the Board of Appeals to suspend the hearing proceedings and to transmit the documentation to the Department of Planning for distribution to the Planning Board when the petitioner amends the petition. The Planning Board is required to submit a report to the Board of Appeals within 45 days, which is December 16, 2013.

The Board discussed the amended petition for reclassification and associated documented site plan.

Mr. Lamb expressed concerns that if the Board voted for the motion, it would be taking recommendations from an unelected body (Department of Planning) over an elected body (County Council). Mr. Lamb advised that the County Council voted to zone the subject property RC 7 in a legitimate fashion with just reason. Mr. Lamb is confident that a mistake was not made and that there does not need to be consistency with the Master Plan when the County Council rezones property through the Comprehensive Zoning Map Process. Mr. Lamb opined that fellow Board members should consider the County Council's decision presumptively correct. Mr. Lamb indicated that the petitioner has not provided rationale pursuant to County regulatory law to justify the Planning Board making a recommendation to change the property's zoning. Mr. Lamb urged the Board to consider these facts prior to voting to recommend RC 5 zoning on the Chestnut Ridge Golf Course property. Mr. Lamb also indicated that he does not support the petitioner's request.

Mr. Harvey agreed with Mr. Lamb in the fact that voting for the reclassification would be taking a recommendation from an unelected body. However, the priorities of the County Council are not the same as the priorities of the Planning Board. Mr. Harvey indicated that accepting Planning's staff report and the recommendations contained therein would be appropriate and is the correct course of action. Mr. Harvey explained that in part, the role of the Department of Planning staff is to offer an expert opinion and provide the Board with a planning evaluation on the matters before the Board. Mr. Harvey opined that fellow Board members should accept the expert opinion of the Department of Planning staff, as opposed to a body that can change zoning just because it has the power to do so. Additionally, Mr. Harvey expressed that the Planning Board is not the forum for the Chestnut Ridge proposed reclassification to be litigated. The appropriate forum is the Board of Appeals. It is not the role of the Board to determine or argue the legalities of the reclassification.

Ms. Hafford moved that the Baltimore County Planning Board adopts the Director of Planning's November 7, 2013 Cycle Zoning Report for Chestnut Ridge Golf Club, LLC documented site plan request to change the zoning from RC 7 to RC 5. Mr. Polek seconded the motion, which passed by a vote of 10 ayes (Holupka, Wit, Jenkins, Harvey, Polek, Hafford, Thompson, Gordon,

Herbst, and Perlow) to 3 nays (Miller, McGinnis, and Lamb) at 4:28 p.m. Absent was Mr. Schlossberg.

A copy of the Chestnut Ridge- Out of Cycle Zoning Reclassification – Documented Site Plan, Petition, and Staff Report is filed as APPENDIX E.

Adjournment of the Board Meeting

Mr. Lamb moved to adjourn the Board meeting. Ms. Miller seconded the motion, which unanimously passed at 4:32 p.m. Absent was Mr. Schlossberg.

CJM
APPROVED 1/16/2014 – CJM